HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1106 of 2005

08-08-2005

Between:

The Chairman and Managing Director,

Central Power Distribution Company of AP Limited,

Singareni, Red Hills, Hyderabad

and another

..Appellant

And

Ch.Radha Krishna Reddy,

S/o Ch. Venkat Reddy,

Aged 33 years, Unemployee,

R/o Bharatnagar, Siddipet,

Medak district.

.. Respondent

HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1106 of 2005

JUDGMENT: (Per Hon'ble Smt. Justice T.Meena Kumari)

The present writ appeal is filed by the Central Power Distribution Company of Andhra Pradesh Limited aggrieved by the order of the learned single Judge in W.P.No.801 of 2004 dated
09-01-2004 directing the company to consider the case of the writ petitioner for appointment to the post of Sub-Engineer or any other suitable post in the existing or future vacancies.

The writ petitioner worked as contract labourer under the Contractor, A.Srinivas, who entered into an agreement with the appellant company for the operation and maintenance of 33/11KV
sub-station in Gurralagondi village, Chinnakodur Mandal. Subsequently, the second appellant issued notification inviting applications from the ex-casual and contract labourers for appointment to the posts of L.D.C., Typists and Sub-Engineers pursuant to which the writ petitioner applied. The candidature of the writ petitioner was rejected stating that the service certificate produced is not genuine. Aggrieved thereby, the writ petition was filed and the same was disposed of by the learned single Judge following the order passed in W.P.No.629 of 2003 dated

16-04-2003 with further direction as noted above. Hence, this writ appeal.

Heard learned standing counsel for the appellants and learned counsel for the respondent and perused the relevant record produced before us.

Learned standing counsel urged the same contentions in the writ appeal also and further submitted that no contract has been entered into with A.Srinivas, Contractor, and the direction issued by learned single Judge is against the provisions of B.P.Ms.No.36 dated 18-05-1997 and there is no vacancy meant for O.C. candidate.

Learned counsel for the respondent has drawn the attention of the Court to the agreement entered into by the appellant company with A.Srinivas, Contractor, and submits that the respondent is qualified in all respects and therefore entitled to be appointed in the suitable post. Further, the vacancy in O.C. category is available.

A perusal of the record reveals that the agreement was entered into by the appellant company with the A.Srinivas, Contractor, for a period of one year, which was valid upto
31-03-1998 and the respondent was working with the said contract from 03-04-1997 to 31-03-1998. Further, the service certificate issued by the contractor has been certified by the Assistant Divisional Engineer of Siddipet division. In similar circumstances, the certificate was accepted in respect of other candidates and appointments were given. The record goes to show that the contention raised by the company that the said contractor has not entered into an agreement, has no basis. In the circumstances, we are in agreement with the contention raised by the respondent's counsel that post in the O.C. category is available, but was filled up with S.T. candidate. Learned counsel for the appellant company has fairly submitted that post in O.C. category has been filled up with S.T. candidate. Thus, a post meant for O.C. candidate is still available with the company and remains to be filled up.

Under the above circumstances, we have to hold that that a post in O.C. category is vacant and confirm the orders passed by the learned single Judge and further direct the appellant – company to consider the case of the respondent for appointment in the immediate vacancy and pass appropriate orders within a period of four weeks from the date of receipt of this judgment.

The writ appeal is accordingly disposed.

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SMT. T. MEENA KUMARI, J.

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P.LAKSHMANA REDDY, J

08-08-2005

bsc